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Stephen M. Weiss
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Attorney for Petitioner Joye Vaught

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Backpage.com, LLD, et al.,

Defendant.

NO. CR-18-00465-PHX-SMB

MOTION TO WITHDRAW AS
COUNSEL OF RECORD

(No Oral Argument Requested)

Undersigned counsel for petitioner/movant Joye Vaught hereby respectfully moves to withdraw as counsel of record for Ms. Vaught in the above-captioned matter. In the related criminal case, this Court granted undersigned counsel's motion to withdraw as counsel for Defendant Vaught and appointed Joy Bertrand, Esq., to represent Ms. Vaught in *United States v. Lacey, et al.*, No. CR-18-00422-PHX-SMB, (Docs. 515, 559). Similarly, due to the government's seizure of IOLTA funds, Ms. Vaught is no longer able to financially obtain counsel for this ancillary proceeding to her criminal case. Although Ms. Vaught is not a named defendant in the above-captioned matter, she has filed a petition in the criminal forfeiture proceedings in the matter to determine her interest in funds specifically earmarked for indemnification and advancement of attorneys' fees and costs for her defense. (*United States v. Ferrer*, No.

1 CR-18-00464-001-PHX-SMB, Doc. 31). For the same reasons set forth in Defendant's
2 motion in *United States v. Lacey, et al., supra*, and this Court's order in that case,¹
3 undersigned counsel hereby moves to withdraw as counsel for Ms. Vaught in the above-
4 captioned case. As noted in documents filed under seal with this Court in *United States*
5 *v. Lacey, et al.*,² Ms. Vaught is indigent and without funds to pay attorneys' fees or
6 costs.
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9 Undersigned counsel also respectfully requests this Court to appoint Ms. Joy
10 Bertrand, Esq., to represent Ms. Vaught in the above-captioned matter. The forfeiture
11 proceedings in the above-captioned matter involve the same parties, facts, and legal
12 theories and defenses that are involved in *United States v. Lacey, et al.*, and are therefore
13 "ancillary" to Ms. Bertrand's representation of Ms. Vaught in that case. Under 18
14 U.S.C. § 3006A(c), a person for whom counsel is appointed "shall be represented at
15 every stage of the proceedings from his initial appearance...through appeal, *including*
16 *ancillary matters appropriate to the proceedings.*" (Emphasis added). *See United States*
17 *v. Counterfeit Merchandise*, 2011 WL 1667437, *3 (N. D. Cal. 2011) ("The
18 Government concedes that the Court has discretion to appoint counsel for a financially
19 eligible person in a forfeiture action in connection with a related criminal case").
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22 For the foregoing reasons, undersigned counsel for Ms. Vaught now respectfully
23 requests this Court to permit him to withdraw as counsel of record for Ms. Vaught and
24

25
26 ¹ *United States v. Lacey, et al.*, No. CR-18-00422-SMB, Docs. 456, 507, 559, incorporated
27 herein by reference pursuant to LRCrim 12.1 and LRCiv 7.1(d)(2).

28 ² Also incorporated herein by reference.

1 to appoint Ms. Joy Bertrand, Esq., to represent Ms. Vaught in the above-captioned
2 matter.

3
4 RESPECTFULLY SUBMITTED this 28th day of May, 2019.

5 KARP & WEISS, PC

6
7 By: /s/ Stephen M. Weiss
8 Stephen M. Weiss
Attorney for Joye Vaught

9 On May 28, 2019, a PDF version
10 of this document was filed with the
11 Clerk of Court using the CM/ECF
12 System for filing and for Transmittal
of a Notice of Electronic Filing to the
following CM/ECF registrants:

13 Kevin Rapp: kevin.rapp@usdoj.gov
14 Margaret Perlmeter: margaret.perlmeter@usdoj.gov
15 John Kucera: john.kucera@usdoj.gov
16 Reginald Jones: reginald.jones4@usdoj.gov

17 PDF sent via email to:

18 Joy Bertrand : joy@joybertrandlaw.com
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Defendant.

NO. CR-18-00465-PHX-SMB

PROPOSED ORDER GRANTING
WITHDRAW AS COUNSEL OF
RECORD

(No Oral Argument Requested)

Upon Motion duly made and good cause appearing,

IT IS HEREBY ORDERED that Stephen M. Weiss is withdrawn as counsel of record for Joye Vaught in the above captioned matter.

IT IS FURTHER ORDERED that Joy Bertrand is appointed as counsel of record for Joye Vaught in the above captioned matter.

DATED this _____ day of _____, 2019.

Hon. Susan Brnovich

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11 Reginald Jones: reginald.jones4@usdoj.gov

12 PDF sent via email to:

13 Joy Bertrand : joy@joybertrandlaw.com
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